

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DENNIS CARTER #A-73403,                     )  
  )  
                          Plaintiff,             )  
  )  
                  v.                             )     No.   11 C 5672  
  )  
WARDEN MARCUS HARDY,                     )  
  )  
                          Defendant.         )

MEMORANDUM ORDER

This Court's August 24, 2011 memorandum order ("Order") dismissed this action by Stateville Correctional Center ("Stateville") inmate Dennis Carter ("Carter") because of his failure to have exhausted his administrative remedies (see 42 U.S.C. §1997e(a)). Despite that dismissal Carter remained responsible for payment of the \$350 filing fee, so the Order went on to require him to provide the information necessary to allow his payment of that fee in small future installments--see 28 U.S.C. §1915 ("Section 1915"). Carter has now done so, and this memorandum order reflects the required Section 1915 calculation.

During the relevant six-month period under Section 1915(a)(2),<sup>1</sup> the average monthly deposit to Carter's trust fund account (see Section 1915(b)(1)(A)) came to \$108.93, so that the

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<sup>1</sup> For that purpose this Court has treated the August 5, 2011 date on which Carter signed his Complaint as the filing date, effectively applying the "mailbox rule" under Houston v. Lack, 487 U.S. 266 (1988) rather than the August 17 when the Clerk's Office received Carter's papers. No appreciable difference in the calculation would have been created by using the later date in any event.

initial partial filing fee (20% of that figure) is \$21.79.

Accordingly the Application is granted to the extent that Carter need not pay the full \$350 filing fee in advance, although he must pay the entire fee in current and future installments.

Carter is therefore assessed that initial partial payment of \$21.79, and the Stateville trust fund officer is ordered to collect that amount from Carter's trust fund account and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk  
United States District Court  
219 South Dearborn Street  
Chicago IL 60604

Attention: Fiscal Department

Both that initial payment and all future payments called for in this memorandum order shall clearly identify Carter's name and the 11 C 5672 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this memorandum order to the Stateville trust fund officer.

After such initial payment, the trust fund officer at Stateville (or at any other correctional facility where Carter may hereafter be confined) is authorized to collect monthly payments from Carter's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account

exceeds \$10 until the full \$350 filing fee is paid.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

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Milton I. Shadur  
Senior United States District Judge

Date: September 19, 2011